

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
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DATE: February 14, 2001

SUBJECT: Special Fund Allocation for Fiscal Year 2000 - 2001 (Action Required)

Issue Statement

The Trial Court Funding Act of 1997 (AB 233; Stats. 1997,Ch - 850) created two funds specifically to support special projects that improve the provision and administration of justice in the trial courts.

The Judicial Administration Efficiency and Modernization Fund (JAEMF) (Gov. Code, § 77213) is supported by transfers from the state General Fund with total appropriation and reappropriation of \$45.322 million of which \$42.117 million has been allocated. The balance, \$3.205 million, remains available to be allocated by the Judicial Council. According to statute (Gov. Code, § 7721 3(b)), [m]oneys in the fund may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects."

The Trial Court Improvement Fund (TCIF) (Gov. Code, § 77209) serves, in part, as the statutory repository of a financial reserve of at least one percent of the Trial Court Trust Fund. The mandated reserve amounts to \$18.100 million of which one-half (\$9.05 million) must remain unallocated until March 15, 2001, except for urgent needs. Of the remainder, the Judicial Council allocated \$2.390 million at the August 2000 business meeting and \$1,398,500 at the December 2000 meeting, leaving \$5,261,500 available for allocation at this time.

As part of its operational plan, the Judicial Council has identified a goal of all counties having a strategic plan to serve self-represented litigants. In order to allow courts to devote the time necessary to review this issue and develop a strong plan for their communities in collaboration with other stakeholders, it is important to help provide them with funding necessary for consulting assistance, meeting costs, and other expenses to help them develop these specific plans. Additionally, the operational plan also calls for an

increased number of self-help centers in the courts. These partnership grants are one way that courts can develop these self-help centers. It is important to leverage the Equal Access Funds to help the courts in the development of these centers.

Recommendation

AOC staff recommends that the Judicial Council approve:

1. Allocating \$300,000 from the Trial Court Improvement Fund (TCIF) for local courts to develop strategic plans to serve self-represented litigants as directed in the Judicial Council's operational plan, which at section 1(a) calls for each court to develop these strategic plans. These allocations would be made from the portion of the Trial Court Trust Fund reserve set aside in the TCIF for statewide projects.
2. Allocating \$75,000 from the Judicial Administration Efficiency and Modernization Fund (JAEMF) to fund start-up costs for the three courts who are acting as partners with legal services programs in the three newly established projects funded through the Equal Access Fund Partnership Grants.

Rationale for Recommendation

More than 75 percent of the trial courts that have submitted a local action plan following a community-focused court planning process indicate the need to provide assistance to parties representing themselves to ensure equal access to court services. Courts indicate that providing unrepresented litigants with certain types of assistance will not only allow pro pers to have more successful and productive experiences in the courts, but will also lessen the work of judges and court staff. Courts most frequently cite the creation of pro per help centers (where unrepresented parties can obtain information about court procedures, filing requirements, and other services such as alternative dispute resolution and mediation) as their main goal.

In recognition of this emerging need, the Administrative Office of the Courts sought and was recently awarded a grant from the State Justice Institute to coordinate four regional conferences to bring the court and community together to discuss how to better serve the needs of unrepresented litigants.

The planning committee for the conferences has requested that \$300,000 be set aside for courts to develop specific action plans. These funds will be distributed in a similar way to the strategic planning grants, but will allow courts to develop a much higher level of detail and establish a collaborative relationship with many of the organizations providing services to pro pers who often have not worked together in the past.

Last fiscal year, \$250,000 was allocated from the JAEMF to assist courts that acted as a "partner" with their local legal services agencies to establish or expand court-based self-help programs. The funds for the legal services agencies came from the Equal Access Fund. Ten percent of that \$10-million fund is earmarked for pro per projects by legal services programs. Called "Partnership Grants," these Equal Access Fund monies must be awarded to self-help projects that involve collaborative efforts between legal services programs and local courts. The grants are administered by the Legal Services Trust Fund Commission with oversight by the Judicial Council. Last year, 12 projects were chosen for funding, including domestic violence, general civil, family law, and unlawful detainer projects. All of those projects were refunded (at a slightly reduced level) this year. Last year, each of the courts acting as a "partner" with its local legal services program also applied for and received one-time funding from the JAEMF to assist in developing its self-help center. Three new legal services projects were funded this year. This proposal would allow those three courts to be treated similarly to the courts whose projects were funded last year.

Alternative Actions Considered

The council could choose to allocate more funds for this effort to develop strategic plans. However, since this planning effort is building upon other strategic planning activities and regional conferences, this level of support appears to be sufficient. The council could choose to allocate more funds for the partnership grants, however, maintaining the grants at the current level will provide parity for the courts that received funds last year. While ongoing funds for these programs would certainly be welcomed by the courts, the JAEMF monies are designed for one-time funding.

The council could choose to allocate fewer funds for these efforts. However, since the council has identified the need for strategic plans for self-represented litigants as a specific goal in its strategic plan, it is important to provide the funding to allow the courts to meet that goal. The council could choose to provide no funding or funding on a limited scale for the partnership projects, however, that would penalize new courts and may adversely impact the long-term success of the project.

Implementation Requirements and Costs

No additional staff will be required to implement this report's recommendation. AOC staff support will be covered by the provision for administrative costs in the Budget Act appropriation to the Equal Access Fund so as to better administer the Partnership Grant component of the Equal Access Fund.

Upon allocation of the requested \$300,000 from the TCIF, there will remain an unallocated balance of \$14,011,500 in the Trial Court Trust Fund reserve. Of this amount, \$5,312,000 is available for allocation and \$9,050,000 must remain unallocated until March 15, 2001, except for urgent needs. Upon allocation of the

\$75,000 requested from the JAEMF, there will remain an unallocated balance of \$3,130,000 in the fund.